

the computer and the communications network over the subscriber line and based on the assigned internal network addresses and the external network address assigned to the subscriber line.

26. (New) A method for communicating with a communications network over a subscriber line using a communications device, the method comprising:

assigning respective internal network addresses for a telephone and a computer;

translating between the respective internal network addresses and an external network address assigned to the subscriber line; and

routing voice and data signals between the telephone and the computer and the communications network over the subscriber line based on the assigned internal network addresses and the external network address assigned to the subscriber line.

#### REMARKS

Claims 1-26 are pending in the present application, with claims 1-3, 5-7, and 9-23 amended to correct discovered informalities, and new claims 24-26 added. No new matter is introduced and support for the amended and added claims can be found throughout the specification (see, e.g., FIG. 1 and discussion in Specification thereof, Specification, p. 12:11-16, and claims 1 and 20 as originally filed).

In the present Office Action, claims 1, 2, 6, 7, 9, 11-13, 15, 17, 18 and 21-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Tonnby et al.* (WO 97/47127); claims 1-3, 6, 7, 9-15, 17, 18 and 20-23 were rejected under 35 U.S.C. § 102(b) as being anticipated by *Tonnby et al.* (WO 97/45073); claims 3-5, 8, 10, 14, 16, 19, and 20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tonnby et al.* '127; and claims 4, 5, 8, 16, and 19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Tonnby et al.* '073.

The present amendment incorporates certain features from dependent claim 20. Specifically, each of the amended independent claims 1, 9, and 17 recites:

wherein **said routing means assigns internal network addresses to said telephone and said computer, respectively**, and selectively routes voice and data signals from said telephone and said computer, respectively, to and from said telecommunications network via said subscriber line and based on said assigned internal network addresses ;

independent claim 9, as amended, recites:

**a routing means** communicatively connected to said network, telephone and computer interface means **for assigning internal network addresses to said telephone and said computer, respectively**, and for selectively routing voice signals and data signals between said telephone and computer, respectively, and said telecommunications network so that both voice and data signals are communicated between said site and said telecommunications network using said subscriber line and based on said internal network addresses; and

independent claim 17, as amended, recites:

communicatively connecting a router to said network, telephone and computer interfaces for **assigning internal network addresses to said telephone and said computer, respectively**, and for selectively routing voice signals and data signals between said telephone and computer, respectively, and said telecommunications network so that both voice and data signals are communicated between said site and said telecommunications network using said subscriber line and based on said assigned internal network addresses.

Claim 20 was rejected as being anticipated by *Tonnby et al.* '073, and as obvious over *Tonnby et al.* '127. *Tonnby et al.* '073 is directed to a network terminal (NT) 28 for coupling a telephone 5 and a computer 6 to an IP access node 24 over a subscriber line 14. The *Tonnby et al.* '073 system employs an external IP addresses of the subscriber line 14 in the network terminal 28 (*Tonnby et al.* '073, p. 15:25-30) and routes data received by the network terminal 28 from/to the telephone 5 and the computer 6 based on the external IP address and respective ports

assigned to the telephone 5 and the computer 6 in the network terminal 28 (*Tonnby et al.* '073, p. 11:5-18). However, the use of ports in conjunction with an external IP address in the *Tonnby et al.* '073 system does not amount to assigning internal network addresses for the telephone 5 and the computer 6. Accordingly, the rejection under § 102(b) is improper, as anticipation requires that each and every element of the claim be disclosed in a prior art reference.

Further, the Office Action rejected claim 20 as obvious over *Tonnby et al.* '127, and apparently attempts to satisfy the features of claim 20 by taking Official Notice of "address conversion and translation." (Office Action, p.4). However, address conversion and translation does not reach the feature of assigning addresses, as required by the amended independent claims. Such a feature has thus been ignored by the Office Action.

Nonetheless, assuming Official Notice of such feature was intended, Applicants traverse the taking of Official Notice of this feature and request that the Examiner apply prior art references teaching the claimed assignment of internal network addresses and provide evidence of motivation for modifying *Tonnby et al.* '127 based on such prior art references or withdraw the rejection as factually insufficient. *Tonnby et al.* '127 is directed to an IP modem (IP-M) 4 for coupling a telephone 1 and a computer 2 to a communications network 3 over a subscriber line 5. The *Tonnby et al.* '127 system does not assign internal network addresses for the telephone 1 and the computer 2, but rather employs an external IP address of the subscriber line 5 in the IP modem 4 (*Tonnby et al.* '127, p. 6:15-20) and multiplexes and de-multiplexes data received by the IP modem 4 from/to the telephone 1 and the computer 2 (*Tonnby et al.* '127, p. 17:30-36). One of ordinary skill in the art would find no motivation to include an internal network address assigning function in the IP modem 4 of *Tonnby et al.* '127, to implement an operation that is already performed by the multiplexing and de-multiplexing functions.

Further, it is noted that although an Examiner may in some instances take Official Notice of certain facts to fill in gaps, such facts should not comprise the principle evidence upon which a rejection is based. See *In re Ahlert*, 424 F.2d 1088, 1091, 165 USPQ 418, 420-421 (CCPA 1970). Additionally, such conclusory statements, premised on “common knowledge and common sense,” fail to fulfill requirements of the Administrative Procedure Act, *In Re Sang Su Lee*, No. 00-1158 (Fed. Cir. Jan. 18, 2002), and deficiencies in cited references cannot be remedied by general conclusions about what is “basic knowledge” or “common sense.” *In Re Zurko*, 258 F.3d at 1385, 59 USPQ2d at 1697.

Applicants also traverse the taking of Official Notice in claims 3-5, 8, 10, 14, 16, and 19, and request that the Examiner apply prior art references teaching the features recited in the claims and provide evidence of motivation for modifying the applied references based on such prior art references or withdraw the rejections as factually insufficient

Turning now to newly added independent claims 25 and 26, claim 25 recites:

**logic configured to assign respective internal network addresses for the telephone and the computer**, translate between the respective internal network addresses and an external network address assigned to the subscriber line, and route voice and data signals among the telephone and the computer and the communications network over the subscriber line and based on the assigned internal network addresses and the external network address assigned to the subscriber line; and

Independent claim 26 recites:

routing voice and data signals between the telephone and the computer and the communications network over the subscriber line based on the **assigned internal network addresses** and the external network address assigned to the subscriber line.

New claims 25 and 26 are allowable over the applied references for at least the reasons as argued above with respect to amended independent claims 1, 9 and 17. Dependent claims 2-8,

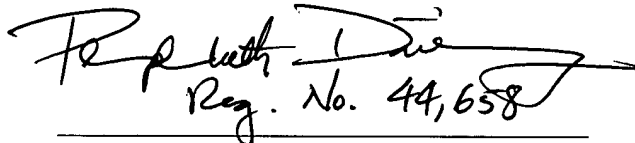
10-16 and 18-24, are allowable over the applied references on their own merits and for at least the reasons as argued above with respect to their independent claims.

Therefore, the above amendment overcomes the rejections of record, placing the present application in condition for allowance. Favorable consideration is respectfully requested. If any unresolved issues remain, it is respectfully requested that the Examiner telephone the undersigned attorney at 703-425-8501 so that such issues may be resolved as expeditiously as possible.

Respectfully Submitted,

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